

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
CR&R South County Materials Recovery Facility
SWIS No. 30-AB-0395
March 23, 2017

Background Information, Analysis, and Findings

This report was developed in response to the County of Orange Health Care Agency, Environmental Health, Solid Waste Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the CR&R South County Materials Recovery Facility (CR&R), SWIS No. 30-AB-0395, located in Orange County and owned by Rancho Mission Viejo, LLC and operated by CR&R Incorporated. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on March 9, 2017. A new proposed permit was received on March 20, 2017, and March 23, 2017. Action must be taken on this permit no later than May 22, 2017. If no action is taken by May 22, 2017, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

There are no proposed changes to the specifications on the first page of the existing 2005 SWFP. Changes include updates to the following sections of the SWFP:

1. Documents that describe and/or restrict the operation of the facility to incorporate the updated Transfer/Processing Report (TPR) with a current representation of activities at the site, and "Enforcement Agency (EA) Conditions" including the rewording and removal of outdated LEA conditions.
2. The TPR has been updated to reflect changes in the names/information of facility personnel, equipment used, current operations (removes any reference to processing green and food waste) and site diagrams.

Key Issues

The proposed permit updates the existing 2005 SWFP and incorporates the updated TPR.

Background

CR&R is an existing large volume transfer/processing facility that received its first SWFP in December 2005. CR&R submitted an application for a permit modification per the request of the LEA as a result of the December 2015, 5-Year Permit Review.

Findings

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated March 9, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on December 16, 2015. The LEA provided a copy to the Department on December 16, 2015. The changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on March 23, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on March 9, 2017 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element as described in their memorandum dated November 1, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 15, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on March 9, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Notice was posted by the LEA on September 1, 2016. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on June 15, 2016 and found that the facility was in compliance with applicable state minimum standards and permit conditions. On November 22, 2016, PAB staff accompanied the LEA during their monthly inspection and found that the facility was in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2017 (February) – 2011 - No violations were noted.

Environmental Analysis

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Orange County Planning and Development Services Department acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: updating the permit and incorporation of the updated TPR including the names/information of facility personnel, equipment used, current operations, and site diagrams. There will be no changes to the operating hours/days, tonnage or permitted area. These changes are considered non-material changes and are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2005091083, was circulated for a 30 day comment period from September 15, 2005 through October 14, 2005. The project analysis concluded that any physical environmental impacts caused

by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on November 29, 2005.

The Orange County Health Care Agency (LEA) has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments

The project document availability was noticed and is consistent with the SWFP requirements. The LEA provided a public notice on September 1, 2016. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on March 21, 2017. No comments have been received by Department staff.